

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SHAWN BAIRD,)
 Defendant.)
 _____)

Case No. 2:12-cr-00352-JCM-GWF

ORDER

**Motion for the Preparation of Pre-Plea
Presentence Report (#43) and Motion to
Withdraw Motion to Suppress Without
Prejudice (#44)**

This matter comes before the Court on Defendant Shawn Baird's ("Defendant") Unopposed Motion for the Preparation of Pre-Plea Presentence Report (#43), filed on June 10, 2013, and Defendant's Unopposed Motion (#44) to Withdraw the Motion to Suppress (#21) Without Prejudice, filed on June 14, 2013.

On February 1, 2013, Defendant filed a Motion to Suppress Physical Evidence and Statements (#21). The Parties filed four subsequent stipulations¹ continuing the hearing on the Motion to Suppress. In the stipulations, the Parties represent they are engaged in plea negotiations. The Motion to Suppress hearing is currently scheduled for June 24, 2013. *See Order, Doc. # 37* at 4:13-15. Defendant filed the instant Unopposed Motion (#44) to withdraw his Motion to Suppress without prejudice to eliminate the need for further stipulations to continue the hearing. Additionally, to facilitate finalizing a plea agreement, Defendant also moves for the preparation of a pre-plea presentence report to determine whether he will qualify as a career criminal. The Court

¹ The first Stipulation to Continue (#21) was filed on February 12, 2013. The second Stipulation to Continue (#28) was filed on March 28, 2013. The third Stipulation to Continue (#34) was filed on April 30, 2013. The fourth Stipulation to Continue (#41) was filed on May 31, 2013. The May 31, 2013 Stipulation (#41) only addressed the deadline for Plaintiff to file a response to Defendant's Motion to Suppress (#21).

1 finds that Defendant establishes good cause to withdraw his Motion to Suppress (#21) and for the
2 preparation of a pre-plea presentence report. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant's Unopposed Motion for the Preparation of
4 Pre-Plea Presentence Report (#43) is **granted**.

5 **IT IS FURTHER ORDERED** that Defendant's Unopposed Motion (#44) to withdraw the
6 Motion to Suppress (#21) is **granted**.

7 **IT IS FURTHER ORDERED** that Defendant's Motion to Suppress (#21) is **withdrawn**
8 without prejudice.

9 **IT IS FURTHER ORDERED** that the Motion to Suppress hearing scheduled for June 24,
10 2013 at 9:00 AM before this Court is **vacated**.

11 **IT IS FURTHER ORDERED** that the United States Department of Probation prepare a
12 Pre-Plea Presentence Investigation Report no later than 7 days after the date of this Order.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall serve a copy of this Order
14 on the United States Department of Probation.

15 DATED this 18th day of June, 2013.

16 
17 GEORGE FOLEY, JR.
18 United States Magistrate Judge
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